

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES L. ROBINSON, #121865,)
Petitioner,)
v.) CASE NO. 1:06-CV-1061-MHT
JAMES DELOACH, et al.,)
Respondents.)

ORDER ON MOTION

On December 20, 2006, counsel for the respondents erroneously filed a motion to dismiss (Court Doc. No. 7) utilizing the court's electronic docketing system. This motion is not properly before the court as counsel submitted the motion without permission of the court. *See Order of December 1, 2006 - Court Doc. No. 4 at 4 (“no . . . motion to dismiss . . . may be filed by any party without permission of the court.”)*. The aforementioned order further directed that “[i]f any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court [without the requisite permission having been granted], the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.” *Id.* Accordingly, it is

ORDERED that the motion to dismiss electronically filed with the court by the respondents on December 20, 2006 be stricken from the file.

Done this 21st day of December, 2006.

/s/ Wallace Capel, Jr.
WALLACE CAPEL
UNITED STATES MAGISTRATE JUDGE